

**6496. Adulteration and misbranding of olive oil (so-called). U. S. \* \* \*  
v. 8 Cases and 17 Cases of Olive Oil (so-called). Consent degree of  
condemnation and forfeiture. Product ordered released on bond.  
(F. & D. No. 8847. I. S. No. 1365-p. S. No. E-987.)**

On March 8, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases, each containing twelve 1-gallon cans, and 17 cases, each containing 48 quart cans of olive oil (so-called), remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about January 28, 1918, by Garra & Trusso, New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which article it purported to be.

Misbranding of the article was alleged for the reason that the labels on the cans bore certain statements regarding the article which were false and misleading, that is to say, the following words, "Olive Oil," which were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; and for the further reason that it purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; and for the further reason that it was an imitation of, and was offered for sale under a distinctive name of, another article, to wit, olive oil; and for the further reason that the statements borne on the labels, to wit, "One Full Gallon" or "Full Quart," whereas there was a shortage of 6.36 per cent or 3.4 per cent. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On May 3, 1918, the said Garra & Trusso, claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$342, in conformity with section 10 of the act.

*J. R. RIGGS, Acting Secretary of Agriculture.*